

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAVID D. WILBON, RICO M. WILBON,  
and GEORGE J. SMITH,

Plaintiffs,

vs.

JOSEPH M. PLOVANICH, OFFICER MILLAN  
(Star #6082), KEVIN A. GRANEY, ROBERT  
MANGAN, MICHAEL T. KARCZEWSKI,  
SARAH McDERMOTT, NOEL ESQUIVEL,  
ANTONIO J. VALENTIN, MARK A. KUSHINER,  
JORGE CERDA, ARMANDO SILVA, JR.,  
RAFAEL S. GARCIA, J.J. GORZKOWSKI,  
UNKNOWN OFFICERS OF THE CHICAGO  
POLICE DEPARTMENT and CITY OF CHICAGO)

Defendants.

Case No. 12 C 01132

JUDGE MARVIN E. ASPEN

Magistrate Judge Soat-Brown

**DEFENDANT OFFICER KUSHINER'S ANSWER TO PLAINTIFFS'  
FIRST SET OF REQUESTS TO ADMIT**

Defendant Officer Kushiner for his answer to Plaintiffs' first set of Requests to Admit, states as follows:

1) Mark A. Kushiner was on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner denies this request to admit.**

2a) Mark A. Kushiner did not see David D. Wilbon on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

2b) Mark A. Kushiner did not see Rico M. Wilbon on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

2c) Mark A. Kushiner did not see George J. Smith on the 1300 block of N. Menard

Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

3a) Mark A. Kushiner did not see David D. Wilbon fighting on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "fighting" is ambiguous. Subject to and without waiving said objection, Kushiner admits this request to admit.**

3b) Mark A. Kushiner did not see Rico M. Wilbon fighting on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "fighting" is ambiguous. Subject to and without waiving said objection, Kushiner admits this request to admit.**

3c) Mark A. Kushiner did not see George J. Smith fighting on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "fighting" is ambiguous. Subject to and without waiving said objection, Kushiner admits this request to admit.**

4a) Mark A. Kushiner did not see David D. Wilbon yelling on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "yelling" is ambiguous. Subject to and without waiving said objection, Kushiner admits this request to admit.**

4b) Mark A. Kushiner did not see Rico M. Wilbon yelling on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "yelling" is ambiguous. Subject to and without waiving said objection, Kushiner admits this request**

**to admit.**

4c) Mark A. Kushiner did not see George J. Smith yelling on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “yelling” is ambiguous. Subject to and without waiving said objection, Kushiner admits this request to admit.**

5a) Mark A. Kushiner did not see David D. Wilbon throwing bottles while on the public way on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

5b) Mark A. Kushiner did not see Rico M. Wilbon throwing bottles while on the public way on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

5c) Mark A. Kushiner did not see George J. Smith throwing bottles while on the public way on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

6) Mark A. Kushiner did not see David D. Wilbon throw a glass beer bottle at Chicago Police Officer Millan on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

7) Mark A. Kushiner did not see David D. Wilbon throw a glass beer bottle at any Chicago police officer on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

8a) Mark A. Kushiner did not observe David D. Wilbon committing any crimes on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observe”**

is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not see David D. Wilbon commit any crimes on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

8b) Mark A. Kushiner did not observe Rico M. Wilbon committing any crimes on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "observe" is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not see Rico M. Wilbon commit any crimes on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.**

8c) Mark A. Kushiner did not observe George J. Smith committing any crimes on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "observe" is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not see George J. Smith commit any crimes on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.**

9a) Mark A. Kushiner does not claim he had probable cause to arrest David D. Wilbon based on any observations he himself made of David D. Wilbon on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "observations" is ambiguous. Subject to and without waiving said objection, Kushiner admits that he does not claim that he had probable cause to arrest David D. Wilbon based on anything that he saw David D. Wilbon do on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.**

9b) Mark A. Kushiner does not claim he had probable cause to arrest Rico M. Wilbon based on any observations he himself made of Rico M. Wilbon on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he does not claim that he had probable cause to arrest Rico M. Wilbon based on anything that he saw Rico M. Wilbon do on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.**

9c) Mark A. Kushiner does not claim he had probable cause to arrest George J. Smith based on any observations he himself made of George J. Smith on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he does not claim that he had probable cause to arrest George J. Smith based on anything that he saw George J. Smith do on the 1300 block of N. Menard Street, Chicago, IL, at approximately 2:00 AM on April 10, 2010.**

10) Mark A. Kushiner was on the 5700 block of W Madison Street, Chicago, IL across from the Chicago Police Department, 15th District station, at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

11 a) Mark A. Kushiner observed David D. Wilbon in a vehicle on the 5700 block of W. Madison, Chicago, IL, at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observed” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he saw David D. Wilbon in a vehicle on the 5700 block of W. Madison, Chicago, IL, at approximately 2:30 AM on April 10, 2010.**

11 b) Mark A. Kushiner observed Rico M. Wilbon in a vehicle on the 5700 block of W. Madison, Chicago, IL, at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term**

**“observed” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he saw Rico M. Wilbon in a vehicle on the 5700 block of W. Madison, Chicago, IL, at approximately 2:30 AM on April 10, 2010.**

11c) Mark A. Kushiner observed David D. Wilbon in a vehicle on the 5700 block of W. Madison, Chicago, IL, at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observed” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he saw David D. Wilbon in a vehicle on the 5700 block of W. Madison, Chicago, IL, at approximately 2:30 AM on April 10, 2010.**

12a) Mark A. Kushiner did not observe David D. Wilbon commit any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observe” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not see David D. Wilbon commit any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

12b) Mark A. Kushiner did not observe Rico M. Wilbon commit any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observe” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not see Rico M. Wilbon commit any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

12c) Mark A. Kushiner did not observe George J. Smith commit any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observe” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did**

**not see George J. Smith commit any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

13a) Based on his own observations, Mark A. Kushiner cannot state any facts to support probable cause to believe that David D. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner admits that based on what he saw, he cannot state any facts to support probable cause to believe that David D. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 A.M. on April 10, 2010.**

13b) Based on his own observations, Mark A. Kushiner cannot state any facts to support probable cause to believe that Rico M. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner admits that based on what he saw, he cannot state any facts to support probable cause to believe that Rico M. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 A.M. on April 10, 2010.**

13c) Based on his own observations, Mark A. Kushiner cannot state any facts to support probable cause to believe that George J. Smith was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner denies that based on what he saw, he cannot state any facts to support probable cause to believe that George J. Smith was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 A.M. on April 10, 2010.**



14a) Mark A. Kushiner does not claim that he had probable cause to believe that David D. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010, based on his own observations.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner admits that based on what he saw, he does not claim that he had probable cause to believe that David D. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

14b) Mark A. Kushiner does not claim that he had probable cause to believe that Rico M. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010, based on his own observations.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner admits that based on what he saw, he does not claim that he had probable cause to believe that Rico M. Wilbon was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

14c) Mark A. Kushiner does not claim that he had probable cause to believe that George J. Smith was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010, based on his own observations.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “observations” is ambiguous. Subject to and without waiving said objection, Kushiner denies that based on what he saw, he does not claim that he had probable cause to believe that George J. Smith was committing any crimes while on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

15) The vehicle that David D. Wilbon, Rico M. Wilbon, and George J. Smith were in on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010, was legally parked.



**ANSWER: Kushiner objects to this request to admit on the ground that it calls for a legal conclusion (i.e., whether the vehicle was “legally parked”). Subject to and without waiving said objection, Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request.**

16) Mark A. Kushiner had no probable cause to believe that the driver of the vehicle that David D. Wilbon, Rico M. Wilbon, and George J. Smith were in on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010 was committing any violation of any traffic law.

**ANSWER: Kushiner objects to this request to admit on the ground that it calls for a legal conclusion (i.e., whether the driver of the vehicle committed “any violation of any traffic law”). Subject to and without waiving said objection, Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request.**

17a) Mark A. Kushiner stopped David D. Wilbon on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “stopped” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not stop the vehicle that David D. Wilbon was in on the 5700 block of W.**

**Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

17b) Mark A. Kushiner stopped Rico M. Wilbon on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term “stopped” is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not stop the vehicle that Rico M. Wilbon was in on the 5700 block of W.**

**Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

17c) Mark A. Kushiner stopped George J. Smith on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner objects to this request to admit on the ground that the term "stopped" is ambiguous. Subject to and without waiving said objection, Kushiner admits that he did not stop the vehicle that George J. Smith was in on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

18a) Mark A. Kushiner arrested David D. Wilbon on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request. Kushiner assisted with the arrest of one or more individuals, one of whom may have been David D. Wilbon, on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

18b) Mark A. Kushiner arrested Rico M. Wilbon on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request. Kushiner assisted with the arrest of one or more individuals, one of whom may have been Rico M. Wilbon, on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

18c) Mark A. Kushiner arrested George J. Smith on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request. Kushiner assisted with the arrest of one or more**

**individuals, one of whom may have been George J. Smith, on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

19a) Mark A. Kushiner was present when David D. Wilbon was arrested on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

19b) Mark A. Kushiner was present when Rico M. Wilbon was arrested on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

19c) Mark A. Kushiner was present when George J. Smith was arrested on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner admits this request to admit.**

20) Mark A. Kushiner never spoke to Kevin Thornton on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner denies that he never spoke to Kevin Thornton or Keith Thornton on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

21) Mark A. Kushiner never heard Kevin Thornton say anything on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.

**ANSWER: Kushiner denies that he never heard Kevin Thornton or Keith Thornton say anything on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010.**

22a) Mark A. Kushiner never talked to any witness who stated that he saw David D. Wilbon commit any crimes on the 1300 block of N. Menard, Chicago, Illinois at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner denies this request to admit.**

22b) Mark A. Kushiner never talked to any witness who stated that he saw Rico M.

Wilbon commit any crimes on the 1300 block of N. Menard, Chicago, Illinois at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner denies this request to admit.**

22c) Mark A. Kushiner never talked to any witness who stated that he saw George J. Smith commit any crimes on the 1300 block of N. Menard, Chicago, Illinois at approximately 2:00 AM on April 10, 2010.

**ANSWER: Kushiner denies this request to admit.**

23) Mark A. Kushiner never talked to any witness on the 5700 block of W. Madison in Chicago, Illinois at approximately 2:30 AM on April 10, 2010, regarding events occurring on the 1300 block of N. Menard, Chicago, Illinois.

**ANSWER: Kushiner denies this request to admit.**

24a) Nothing Kevin Thornton said to Mark A. Kushiner gave him probable cause to believe that David D. Wilbon had committed any criminal acts.

**ANSWER: Kushiner denies that nothing Kevin Thornton or Keith Thornton said to Kushiner gave him probable cause to believe that David D. Wilbon had committed any criminal acts.**

24b) Nothing Kevin Thornton said to Mark A. Kushiner gave him probable cause to believe that David D. Wilbon had committed any criminal acts.

**ANSWER: Kushiner denies that nothing Kevin Thornton or Keith Thornton said to Kushiner gave him probable cause to believe that David D. Wilbon had committed any criminal acts.**

24c) Nothing Kevin Thornton said to Mark A. Kushiner gave him probable cause to believe that David D. Wilbon had committed any criminal acts.

**ANSWER: Kushiner denies that nothing Kevin Thornton or Keith Thornton said to Kushiner gave him probable cause to believe that David D. Wilbon had committed any criminal acts.**

25a) Mark A. Kushiner did not appear in court at any hearing or trial to testify against or trial to testify against David D. Wilbon for criminal charges brought on April 10, 2010.

**ANSWER: Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request. Kushiner was notified to appear in court for a criminal case against David D. Wilbon, but does not recall for which court dates he was notified or appeared.**

25b) Mark A. Kushiner did not appear in court at any hearing or trial to testify against Rico M. Wilbon for criminal charges filed on April 10, 2010.

**ANSWER: Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request. Kushiner was notified to appear in court for a criminal case against Rico M. Wilbon, but does not recall for which court dates he was notified or appeared.**

25c) Mark A. Kushiner did not appear in court at any hearing or trial to testify against George J. Smith for criminal charges filed on April 10, 2010.

**ANSWER: Kushiner states that he has made a reasonable inquiry and the information known or readily obtainable to him is insufficient to enable him to admit or deny the truth of the matter set forth in this request. Kushiner was notified to appear in court for a criminal case against George J. Smith, but does not recall for which court dates he was notified or appeared.**

26a) The criminal charges filed on April 10, 2010, against David D. Wilbon were stricken on leave to re-file.

**ANSWER: Upon information and belief, Kushiner admits this request to admit.**

26b) The criminal charges filed on April 10, 2010, against Rico M. Wilbon were stricken on leave to re-file.

**ANSWER: Upon information and belief, Kushiner admits this request to admit.**

26c) The criminal charges filed on April 10, 2010, against George J. Smith were stricken on leave to re-file.

**ANSWER: Upon information and belief, Kushiner admits this request to admit.**

27a) Mark A. Kushiner never requested the State's Attorney's Office reinstate the criminal charges filed against David D. Wilbon on April 10, 2010, after they were stricken on leave to re-file.

**ANSWER: Kushiner admits this request to admit.**

27b) Mark A. Kushiner never requested that the State's Attorney's Office reinstate the criminal charges filed against Rico M. Wilbon on April 10, 2010, after they were stricken on leave to re-file.

**ANSWER: Kushiner admits this request to admit.**

27c) Mark A. Kushiner never requested that the State's Attorney's Office reinstate the criminal charges filed against George J. Smith on April 10, 2010, after they were stricken on leave to re-file.

**ANSWER: Kushiner admits this request to admit.**

**DATED: July 26, 2012**

Respectfully submitted,



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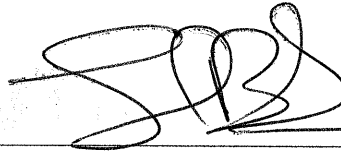
SUNIL BHAVE  
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City of Chicago, Law Department  
30 N. LaSalle St., Suite 900  
Chicago, Illinois 60602  
(312) 742-0305  
Attorney No. 06285750

**CERTIFICATE OF SERVICE**

I hereby certify that I have served this Officer Kushiner's Answers and Objections to Plaintiffs' Request to Admit by causing them to be delivered via hand delivery, this 26<sup>th</sup> day of July, 2012 to

Irene Dymkar  
Attorney for Plaintiffs

A handwritten signature in black ink, appearing to read 'Sunil Bhave', is written over a horizontal line.

SUNIL BHAVE  
Assistant Corporation Counsel

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Chicago, Illinois 60602  
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Attorney No. 06285750